IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14445 of 2004

Between:

Puppala Tulasi Ram, S/o. Late P. Appala Swamy, Hindu,

Aged about 65 years, occ:Retired Steel Plant Employee,
C/o. D.J. Rao, Retired Extension Officer,

Panchayat Raj Department, Yendada Post,
Visakhapatnam.

..... PETITIONER

AND

1 The Gram Panchayat, Rep. by its Panchayat Secretary,
Pothinamadllayapalem (V), Chinagadhali (M),

Visakhapatnam Rural, Visakhapatnam District.
2 The Mandal Revenue Officer,
Chinagadhali (M), Visakhapatnam Rural,

Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents herein in interfering with my peaceful possession and enjoyment of petitioner's assigned land to an extent of Ac. 5.00 cents in Sy.No. 56/2 and 57/2, situated at Pothinamalayapalem Village, Visakhapatnam District, as illegal, arbitrary and violative of Constitutional Provisions and consequently direct the respondents herein not to interfere with the peaceful possession and enjoyment of petitioner's assigned land to an extent of Ac.5.00 cents in Sy.No.56/2 and 57/2, situated at Pothinamalyapalem Village, Visakhapatnam District.

Counsel for the Petitioner: MR.K.GANI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

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One Puppala Appala Swamy was assigned agricultural land admeasuring Acs.5.00 in Sy.No.56/2 and 57/2 of Pothinamalayapalem village in Visakhapatnam District. After the death of Appala Swamy, the petitioner and his brothers and sisters succeeded the property and they are allegedly cultivating the land. It is now alleged that the respondents are trying to interfere with the peaceful possession of the petitioner without any reason. Apprehending coercive action for evicting the petitioner, he filed the present writ petition.

After hearing the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue, this Court is of the considered opinion that if the petitioner is in possession of the property in the survey numbers mentioned herein above, be it the revenue officials or the panchayat officials cannot take any action against the petitioner without due process of law.

The writ petition with the above observation is disposed of.

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V.V.S.RAO, J

16.08.2004

vs

To

1 The Panchayat Secretary, Gram Panchayat,

Pothinamadllayapalem (V), Chinagadhali (M),

Visakhapatnam Rural, Visakhapatnam District.
2 The Mandal Revenue Officer,
Chinagadhali (M), Visakhapatnam Rural,

Visakhapatnam District.

3 Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad(O.U.T)

4 Two CD copies.

HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION NO.14445 OF 2004

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Dated: 16-08-2004